1922

PROHIBITING SPECIAL LAWS

the biased medical doctors, who rule the examining board by a vote of 8 to 2, arbitrarily refused to examine any more osteopaths for physician and surgeon licenses.

The osteopathic college brought suit to compel the medical board to again admit its graduates to the physician and surgeon examination. Judge Wellborn found that the college complied in every respect with the requirements of the law for a physician and surgeon college and ordered the board to again examine its graduates. This decision was affirmed by the appellate and the supreme courts.

Notwithstanding this verdict of the court, and notwithstanding the fact that several hundred osteopaths had previously proved their competency by passing the physician and surgeon examination, our profession has obtained no relief from this medical tyranny. The medical board is determined to kill our college and suppress osteopathy in California.

We appeal to the people for relief. We can not get justice from medical doctors. They are biased and prejudiced against osteopathy. They are competitors of osteopathic physicians and surgeons and therefore they should not have the legal power to license, or to refuse to license or to revoke the licenses of osteopaths.

The sole function of the medical examining board is to license and to revoke licenses to practice. Voters should not be deceived by false claims that this board has anything whatever to do with the "conservation of the public health" or with "protecting the public" or with any health matters whatsoever.

The State Board of Health has full charge of all health laws. This act does not in any way change the power of the Board of Health, or of the federal and state narcotic enforcement boards, or of any board: except, that it removes osteopaths from the power of medical doctors and puts them under the jurisdiction of competent osteopaths, selected by the Governor. Medical colleges and graduates are left as now, under the jurisdiction of medical doctors.

This act does not change the standards of education and examination now required by law. It leaves the legislature free to change these standards at any session.

The only issue is fair and intelligent administration. The present physician and surgeon law is all right. Its administration is all wrong. The law is nonpartisan. Its administration is deadly partisan.

Vote "Yes" and guarantee to the people the highest standard of osteopathic service.

Vote "Yes" and give justice to osteopathy without doing injustice to any other system.

DR. CHAS. H. SPENCER.

ARGUMENT AGAINST CREATING NEW BOARD OF OSTEOPATHIC EXAMINERS.

This "Osteopathic Act" is a misnomer. It has practically nothing to do with osteopathy. It is self-contradictory and wholly at variance with the well-settled definitions of osteopathy in court decisions, in dictionaries and in osteopathic literature. In combination with Number 16, the Chiropractic Act, it proposes to create two new boards of medical examiners in California which would divide and confuse the licensing and regulation of physicians and surgeons and drugless practitioners.

This Osteopathic Act nullifies essential jurisdiction, duties and functions of the present state board; it repeals vital public health safeguards and educational requirements and grants a board of five drugless osteopaths the inconsistent and dangerous power of licensing osteopathic graduates, without adequate training and education, as physicians and surgeons.

Under the loose and lavish terms of this Osteopathic Act, all graduates of osteopathic schools and drugless practitioners graduated from osteopathic schools, may be licensed as physicians and surgeons with the full legal privilege to administer the most dangerous drugs and perform the most serious surgical operations. This offers a very easy but a very dangerous way to make physicians and surgeons.

WHAT IS OSTEOPATHY?

The supreme court of California states, "License to practice osteopathy should not be deemed to authorize the practice of medicine and surgery—requirements for a license to practice osteopathy and for a physician's and surgeon's license have always been different." Another supreme court decision says: "Osteopathy administers no drugs; it uses no knife." The Standard Dictionary defines osteopathy: "The treatment of disease without drugs or knife * * *." The Society for the Advancement of Osteopathy says: "Osteopathy is the original science of spinal adjustment." The founder of osteopathy, Dr. A. T. Still, declares: "We are opposed to the use of drugs."

In 1920 the people of California defeated the osteopathic referendum on the sale of poison act by a majority of 209,090 votes. This emphatic verdict of the people against the osteopathic referendum specifically upheld the law prohibiting osteopaths from prescribing narcotics.

Despite this decisive defeat an Osteopathic Act was presented to the 1921 legislature. The California legislature considered the absurd accusations of incompetency and unfairness lodged by osteopathic partisans against the present Board of Medical Examiners, analyzed the inconsistent features of the measure and rejected the osteopathic contention by a two-thirds majority as needless and dangerous legislation. Since 1901 osteopaths have been examined and licensed to practice their drugless method in California. Any osteopathic or other drugless practitioner who has adequate education can now secure a physician and surgeon certificate by passing the higher examination required for physicians and surgeons. During the past eight years 48% of the graduates of osteopathic schools who have taken this examination have failed to pass. In impressive contrast—100% of the graduates of the University of California, of Stanford and the College of Medical Evangelists have passed. The Osteopathic Act would benefit "the 48% graduates" but endanger the public.

Applicants who fail to pass the state examination need more education, not more boards.

Vote "No" on Number 20.

DR. W. T. MCARTHUR,
Secretary, League for the Conservation of Public Health.

PROHIBITING SPECIAL LAWS. Senate Constitutional Amendment 36, adding Section 25a to Article IV of Constitution. Declares that the legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts, but shall provide for the organization and government of such districts by general law.

21

YES	
NO	

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article four a new section to be numbered twenty-five a, relative to special laws.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California to amend the constitution of the state by adding a new section

to article four of the constitution to be numbered twenty-five a and to read as follows:

PROPOSED AMENDMENT.

Sec. 25a. The legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts but shall provide for the organization and government of such districts by general law.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 36.

By section 6 of article II, the legislature is now forbidden by special act to create corporations for municipal purposes. Originally the legislature could create by special acts cities and towns, but the liability to the abuse of this power and the time taken upon such matters to the exclusion of important legislation led very early in our history to the prohibition of the creation of such corporations by special act.

Originally, irrigation, reclamation and similar districts were not often created and no occasion until recently has arisen for prohibiting the creation of such districts by special legislation. Within the past few years, every session of the legislature has been called upon to create by special acts (or to enact special legislation with regard to) such districts, and it is very evident that the same argument which justified the prohibition of the creation of cities by special acts applies equally to these semi-municipal bodies. There is even greater danger of abuse because of the greater variety of circumstances that may arise in connection with these districts, and there would appear to be no argument against the requirement of the enactment of uniform laws under which the people residing in these districts and charged with their support, familiar with the circumstances, could themselves determine upon the organization of such districts, without interference by the legislature. The effect of this amendment will be to compel the legislature to enact such general laws as will be sufficiently flexible to permit the people residing in any locality requiring the organization of such districts themselves to provide for and determine upon the organization.

J. L. O'Irwin,
State Senator Thirty-second District.
L. L. Dennett,
State Senator Twelfth District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 36.

There is no necessity for this constitutional amendment and it can serve no useful purpose. If adopted, neither the legislature nor the people themselves, through the initiative power, will be able to establish any irrigation, reclamation, drainage or flood control district except by a law applicable to all parts of the state. No matter how urgent the need for such a district in some part of the state and no matter what special circumstances arise making desirable the passage of a special act creating such a district, the legislature and the people themselves would be rendered powerless to act by the adoption of this amendment, except by the tedious process of another constitutional amendment.

California has a very extensive area and includes a great many communities with a very great variety of conditions as to sources of water supply, drainage facilities, crop possibilities, etc. It is impossible that any one can foresee what legislation may become desirable for the best development of our several communities and it is entirely improbable that such a variety of conditions can always be met by general laws.

We already have many reclamation, drainage and flood control districts created by special acts. In fact most of the reclamation districts of the state have been either established or validated by special acts. The Los Angeles County Flood Control District was created by special act. None of these districts could have been established except by general law had the proposed amendment been a part of the constitution, and doubtless some of the districts would either have never been established or established at a later date had it been necessary to overcome the opposition to general laws affecting all communities of the state.

California has much undeveloped land and whenever the drainage or irrigation of any such land can be brought about by the establishment of a district by special act, such an act should be passed and no constitutional bar should be set up.

This amendment, if adopted, would make our constitution, already too restrictive, still more restrictive. It is fundamental that a constitution should be limited to general principles and should neither contain detailed statutory provisions nor restrict beyond a necessary minimum the power of the legislature to legislate upon any subject. It is generally conceded that the constitution of California, unlike the constitution of the United States, violates both of these fundamental principles. Our effort, therefore, should be to simplify our state constitution by removing restrictions rather than to make it worse by imposing still more restrictions upon the legislature.

Vote "No" on this amendment.

L. D. Bohnett,
Member of Assembly 1909–11–13.
Attorney for State Water Commission 1916–21.

22	**ABSENT VOTERS.** Assembly Constitutional Amendment 13, amending Section 1 of Article II of Constitution. Adds to present section proviso authorizing legislative provision permitting registered voters, absent from their voting precincts at any primary or general election because of occupation requiring travel or federal or state military or naval service, to vote in home precinct prior to election, or at any municipality within this state on election day, or at any place if engaged in such service, all votes cast elsewhere than in home precinct to be received by county clerk of home precinct within two weeks of election.	YES	
		NO	

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two thereof, relating to the right of suffrage.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of